

### **REMARKS**

The Office Action mailed January 29, 2007 has been carefully reviewed along with the references cited therein. In the Office Action, claims 9, 10, 12, 13, 21 and 23 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Patent No. 5,474,342). The Examiner indicated that claims 11 and 14-16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-8, 17, 19 and 20 are allowed. Applicants appreciate the indication of allowable subject matter.

In this response, Applicants have amended claim 9, cancelled claims 16, 21 and 23, and added new claims 24 and 25.

Applicants respectfully petition the Examiner to remove the finality of the rejection, especially with regard to claim 21. In the previous Office Action mailed August 29, 2006, the Examiner rejected claim 21, but indicated that claim 22 would be allowable if rewritten in independent form including all of the limitations of the base claim, i.e. claim 21, and any intervening claims. In Applicants previous response, claim 21 was amended to include the limitation of claim 22 in hopes of placing claim 21 into condition for allowance. The Examiner then cited Smith in the subject final Office Action to reject amended claim 21. This new ground of rejection, however, was not necessitated by Applicant's amendment since this rejection could have been made in the previous Office Action, especially since claim 22 had been found allowable. In view of this, Applicants respectfully request that the Examiner remove the finality of the rejections presented in the subject Office Action.

Applicants have amended claim 9 to include the limitation from claim 16. Claim 16 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 9, and those claims that depend from claim 9, are in condition for allowance.

New claim 24 has been added to the application. Claim 24 is a combination of original claim 9 and original claim 11. In the previous Office Action mailed August 29, 2006 original claim 11 was indicated to include allowable subject matter. Claim 11 was also indicated as including allowable subject matter in the subject final Office Action. Applicants, however, have rewritten original claim 9 and original claim 11 as new

independent claim 24. Nevertheless, Applicants respectfully submit that this claim defines over both the Smith reference, which is cited as an anticipatory reference in the subject Office Action, and Gotanda '834, which was cited as an anticipatory reference in the August 29, 2006 Office Action. No new search or consideration is thought to be necessary. In view of the above, Applicants respectfully submit that new claim 24 is in condition for allowance.

New claim 25 is a combination of claim 9 (as presented in Applicant's response dated November 28, 2006) and original claims 12 and 14. Claim 14 was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 14 depended from claim 12 which depended from claim 9. Accordingly, Applicants respectfully submit that new claim 25 is also in condition for allowance.

### **CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, he is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

FAY SHARPE LLP

March 29, 2007

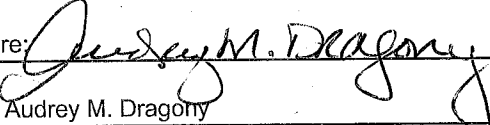
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APP. SER. NO. 10/782,690

AMENDMENT AFTER FINAL OFFICE ACTION CONTD.

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